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OFFICE OF PETITIONS

In re Application of
Watson, et al.
Application No.: 10/821,969
Filed: April 12, 2004
Attorney Docket No.: MFCP.110967
For: SYSTEM AND METHOD FOR
PROVIDING AN INTERACTIVE DISPLAY

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 25, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on April 12, 2004 without an executed oath or declaration. Accordingly, on June 23, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on October 25, 2004, a petition for a two month extension of time and required fee, a declaration executed by 5 of 6 joint inventors, and the surcharge were filed. A statement of facts of Attorney Kerry H. Owens accompanies the petition. Attorney Owens explains that the non-signing joint inventor, Robert Girling, received a copy of the application, declaration, and assignment for the above-identified application and Mr. Girling refused to sign the declaration for the patent application on September 23, 2004 via e-mail.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. It is noted that the first named inventor has changed her name from Marieke Iwema to Marieke Iwema Watson on her copy of the declaration. Unfortunately, the other signing inventors signed a declaration listing Marieke Iwema as the first named inventor.

All signing inventors must execute another declaration that lists the correct name for the first named inventor - Marieke Iwema Watson - and lists all information for all inventors.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of the non-signing inventors is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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By hand: U.S. Patent and Trademark Office
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Telephone inquiries should be directed to the undersigned at (571) 272-3230.



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